



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 23 अप्रैल, 2013 / 3 वैशाख, 1935

हिमाचल प्रदेश सरकार

NAGAR PANCHAYAT DEHRA (Name of NP) DEHRA (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE-LAWS, 2013.

NOTIFICATION

Dehra, the 11th April, 2013

No. 253-NPD/2013(1).—The following Muck Dumping bye-laws, 2012 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (y and z) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any, objection (s) against these draft rules, he may sent the written objections to the Secretary of Nagar panchayat Dehra, with in the aforesaid period.

Objections, if any, received within period as specified above, shall be taken into consideration by the NP before finalizing these bye-laws namely:—

“NP Dehra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”

Preliminary

1. Short title, commencement and application.— (i) These Bye-Laws may be called, “NP Dehra(Control and Regulation) of Muck Dumping Bye-Laws ,2013”

(ii) These Bye-Laws shall come into force the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of NP Dehra as defined from time to time.

2. Definitions.— (i) in these bye-laws, unless the context otherwise requires:—

(a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.

(b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP.

(c) **“Authorized Officer”**- means any Officer/Official duly authorized by the NP Dehra under these bye-laws.

(d) **“Muck”**- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

(e) **“Place”**- means authorized site specified by the NP Dehra for dumping of Muck.

(f) **“Judicial Magistrate First Class”**- means the Judicial Magistrate having jurisdiction over the area of NP Dehra under the Act.

(g) Words and expressions used in these Bye-Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) no person, either by himself or through another , shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Dehra for dumping of Muck with in their area.

(ii) Any person found dumping the Muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.— (i) applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing submit detailed estimate if Muck to be generated from the plot, construction site to the NP on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be.

(iii) The NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i)	Manual	Rs. 10/- per load
(ii)	Mule	Rs. 20/- per trip
(iii)	Pick up	Rs. 300/- per trip
(iv)	Tipper light duty	Rs. 700/- per trip
(v)	Tipper Heavy duty/truck	Rs. 1200/- per trip

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP.

6. Duties and responsibilities of person concerned.— (i) it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified by the NP.

(ii) Who so ever is found dumping Muck other than the place specified by the NP, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.— (i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws generated from the plot/ construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the NP on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the NP authorities in writing and the same of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency. Or the contractor hired or engaged by the NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreens of the vehicle and the same shall have to be shown to the authorized Officer of the NP at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 09:00 A.M to 05:00 P.M. However, in the case of exigencies, the NP may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board size of x indicating there in the number and date of the sanction , commencement of construction and hours during which construction can be carried out , time when excavation can be done , name of dumping site allotted to the applicant for the purpose of dumping muck , nature of sanction , the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.

(ix) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the NP till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the NP in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before , the institution of Prosecution , be compounded by such officer as may be authorized by the NP or Executive/Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the code of Criminal Procedure.

10. Penalty.—**(i)** whosoever, is guilty of dumping Muck other than the place specified/notified by the NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or there after the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the NP in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) In case of repeated violation , in addition to penalty as specified above , the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water , electricity and others civic amenities and the concerned Officer/ Official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Dehra,
Distt-Kangra (HP).

MUNICIPAL COUNCIL KANGRA

NOTIFICATION

Kangra, the 10th April, 2013

No. MCK/2013-600(1).—In exercise of the powers conferred by Clause (A) of Section 202 of the Himachal Pradesh Municipal Act, 1994 as amended from time to time the following muck dumping by-laws formulated by the M.C Kangra are hereby published in the Rajpatra, Himachal

Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the Council after expiry of a period of 30 days from the date of their publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any objection(s) against these draft bye-laws, he may send written objections to the Executive Officer, Municipal Council Kangra within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the Municipal Council Kangra, before finalizing these bye-laws namely:-

MUNICIPAL COUNCIL KANGRA (CONTROL AND REGULATION OF MUCK DUMPING) BYE-LAWS, 2013

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called, “Municipal Council Kangra (Control and Regulation of Muck Dumping) Bye-laws, 2013.”

- (ii)** These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii)** These Bye-laws shall be applicable within the jurisdiction of Municipal Council Kangra as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a)** “**Act**”— means the Himachal Pradesh Municipality Act, 1994 (Act No. 12 of 1994) as amended from time to time.
- (b)** “**Applicant**”—means any person applying for permission for dumping of muck in the authorized dumping places as specified by the Council.
- (c)** “**Authorized Officer**”— means any Officer/official duly authorized by the Municipal Council or its Executive Officer under these Bye-laws.
- (d)** “**Muck**”— includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or debris including building, construction waste.
- (e)** “**Place**”— means authorized site specified by the Municipal Council for dumping of muck.
- (f)** “**Special Judicial Magistrate First Class**”— means the judicial Magistrate having jurisdiction over the area of Municipal Council Kangra the Act.
- (g)** words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on muck dumping.—(i) No person, either by himself or through any other, shall knowingly or otherwise, throw or cause to be thrown any kind of muck in any place other than the place specified by the municipality for dumping of muck within the area of the Municipal Council.

- (ii)** Any person found dumping muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for application and grant of permission.— (i) Applicant or the person concerned, intending to commence construction within the area of the Municipal Council shall in writing submit detailed estimate of muck to be generated from the plot/construction site to the municipality on the prescribed proforma annexed with these bye-laws as **Appendix-I** at the time of submission of his/her building or in the case where no planning permission is required, the permission for dumping debris shall be obtained from the municipality authorities by moving an application mentioning therein full particulars of the applicant, location for the building and the estimate/quantity of muck to be generated.

- (ii) The estimate submitted by the applicant shall be verified by the AE/JE of the Municipal Council after spot inspection and thereafter shall be sent to the Executive Officer, Municipal Council for raising the bill and for according necessary permission in favour of the applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount to be deposited by the applicant in the Municipal Council on this account.
- (iv) The place for dumping of muck shall be communicated to the applicant by the Municipal Council authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the AE/JE of the Municipal Council or to the concerned agency or the contractor hired or engaged by the Municipal Council for managing the dumping site.
- (v) During transportation of the muck, a person shall have to carry the original permission a copy of which shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized officer of Municipal Council at the time of inspection. However, in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff/authorized officer at the time of inspection.
- (vi) There shall be a restriction on movement of the vehicles carrying muck after the sun set and before the sun rise. The normal timings for dumping muck in the dumping site will be between 9.00 am to 5.00 pm. However, in case of exigencies and in view of traffic regulations in the Municipal Council area the M.C or E.O may in writing relax such timings.
- (vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but Municipality, in the larger public interest or in the case of emergent circumstances may relax such imposition/restriction, on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- (viii) The person, after obtaining the sanction of building map from the competent authority or before raising the construction at site, is required to install a painted board of the size 3'x2' indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction the area of construction sanctioned on each floor EO/Engineering Branch.

- (ix) The Architect Planner Branch of the MC/EO shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned at the time of grant of building sanction.

5. Rates for dumping of muck.—The following rates shall be applicable for dumping of muck in the specified places.

(i)	Per cement bag	₹ 10/- per bag
(ii)	Pickup	₹ 200/- per Pickup
(iii)	Tipper light duty/LMV Tipper	₹ 500/- per Tipper
(iv)	Tipper Heavy duty/Truck	₹ 800/- per Tipper/Truck
(v)	By Mule	₹ 20/- per trip
(vi)	By Manual	₹ 10/- per bag

an increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Municipal Council.

6. Duties and responsibilities of the applicant/owner- (i) It shall be the duty and responsibility of the owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in the place specified by the Municipality.

(ii) Whosoever is found dumping muck at a place other than the places and in contravention of conditions specified by the Municipal Council, the owner and the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.— (i) The authorized officer or the police either on the information received by himself or through any other source immediately on receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report to this effect in writing either to the EO/AE of the Municipality and keep the same in custody at the place designated by the Municipal Council till it not released to the registered owner. The halt charges of vehicle at such designated place shall be levied at the rate of ₹ 1000/- per day payable by registered owner to the municipality in cash or through demand draft.

8. Compounding of offences.— All the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by

the Corporation or its municipal Council in this behalf, on payment of such sum as may be specified by E.O municipality under the Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the area having jurisdiction.

10. Penalty.—(i) Whosoever, is guilty of dumping muck at a place other than the place(s) specified/notified by the Municipal Council, the rate of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipality as per Clause 5 of these Bye-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the E.O may request the competent authority for withdrawal of recognition and registration if any granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
*Executive Officer,
Municipal Council, Kangra. (H.P)*

Appendix-I
(See Bye-law 4(i))

Performa for estimation Muck generation

1. Name of the applicant of the plot/land/project
2. Area and Kh. No. of the plot/land/project
3. Location of the plot/land/project including Municipal Ward.
4. Whether owner or building or otherwise please specify.
5. Estimate quantity of muck to be generated (quantity must be specified in cubic meters) along with estimate duly signed by the authorized person.

Signature,
(Name and address of applicant)

Date:

Place:

**MUNICIPAL COUNCIL PALAMPUR (CONTROL AND REGULATION) OF MUCK
DUMPING BYE-LAWS, 2013**

NOTIFICATION

Dated 19th February, 2013

No. MCP/2013-2259 (I).—The following Muck dumping bye-laws, 2013 made by the Municipal Council Palampur in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (Y and zb) of sub section (1) of section 202 of the Himachal Pradesh Municipal Act,1994 (Act No. 13 of 1994) as amended from time to time are hereby to be published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the Municipal Council Palampur after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any objection(s) against these draft rules, he may sent the written objection to the executive Officer of MC Palampur within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the Municipal Council Palampur finalizing these bye-laws namely Municipal Council Palampur (Control and Regulation) of Muck Dumping Bye-Laws, 2013).

Preliminary

1. **Short title, commencement and application.**— (i) These Bye-Laws may be called Municipal Council Palampur (Control and Regulation) of Muck Dumping Bye-Laws, 2013).

(ii) These Bye-Laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Council Palampur as defined from time to time.

2. **Definitions.**—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) “Act”- means the Himachal Pradesh Municipal Act,1994 (Act No. 13 of 1994) as amended from time to time.
- (b) “Applicant”-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Municipal Council Palampur.
- (c) “Authorized Officer”- means any Officer /Official duly authorized by the Municipal Council Palampur under these Bye-laws.
- (d) “Muck”- includes earth or stone, materials of any description or any rubbish or polluted or obnoxious matter or Debris including building , construction waste.
- (e) “Place” –means authorized site (near I&PH Rest House) specified by the Municipal Council for dumping of Muck.
- (f) “Judicial Magistrate First Class”- means the Judicial Magistrate having jurisdiction over the area of Municipal Council Palampur under the Act.

(g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. **Prohibition on Muck Dumping.**—(i) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Municipal Council for Muck within their area.

(ii) any person found dumping the Muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. **Procedure for Application and grant of permission.**—(i) applicant or the person concerned intended to commence the construction within the area of the Municipal Council shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the Municipal Council on the prescribed proforma annexed with these Bye-laws as **appendix-I** at the time of submission or their building map/plan for sanction. The building plan without such estimate shall not be constructed for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot /construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the Municipal Council Palampur on this account.

(iv) The place for dumping of muck shall be communication to the applicant by the Municipal Council Palampur authorized in writing and the name of the place /site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the Municipal Council for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the Municipal Council Palampur the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9:00 A.M. to 5:00P.M. However, in the case of exigencies, the Municipal Council Palampur may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Municipal Council Palampur in the large public interest or in the case of emergent situation may relax such imposition/restriction on receiving written request from the applicant or the concerned agency or the authorized interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of 4 x 6 indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of Dumping site allotted to the applicant for the purpose of dumping muck nature of sanction, the area of

construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the Municipal Council Palampur entertainment of complaints etc.

(ix) The Municipal Council Palampur shall prescribe the conditions relating to the application of muck generation from the plot of sanction for muck disposal and condition relating to affixing of board at site giving there in the details as mentioned in clause (viii) at the time of grant of building sanction.

5. Rate for dumping of Muck.—the following rates shall be applicable for dumping of Muck in the specified places.

(i) Pickup	Rs. 200/- per pickup
(ii) Tipper Light duty	Rs. 500/- per tipper
(iii) Tipper Heavy duty / truck	Rs. 1000/- per tipper /truck
(iv) Manual Dumping	Rs. 10/- per bag
(v) Dumping by mule	Rs. 20/- per mule

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Municipal Council Palampur.

6. Duties and responsibilities of person concerned.—**(i)** it shall be the duty and responsibility of owner to make available all the sanctions / permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the Municipal Council Palampur.

(ii) Whoever is found dumping Muck other than the place specified by the Municipal Council, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye- laws.

7. Impounding of Vehicle.—**(i)** The authorized officer or the police establishment of the Municipal Council Palampur in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the Municipal Council Palampur till it is not released to the register owner. The half charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/-per day payable by registered owner to the Municipal Council Palampur in cash or through demand draft.

8. Compounding of offences.—all the offences punishable under these Bye-laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the Municipal Council Palampur or Executive Officer in this behalf on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary by the Judicial Magistrate First Class of the concerned Municipal area under section 260 of Code of Criminal procedure.

10. Penalty-(i) whoever, is guilty of dumping Muck other than the place specified/notified by the Municipal Council Palampur, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipal Council Palampur in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned officer / official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
*Executive Officer,
Municipal Council, Palampur.*

NAGAR PANCHAYAT RAJGARH (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Dated 21st February, 2013

No. Secy/NPR/2013-284-92.— The following Muck Dumping Bye-Laws, 2013 made by the N.P. RAJGARH in the exercise of the power conferred by section 216,217 and section 219 read with clause (v and zb)of sub section (1) of section 202 of Himachal Pradesh Municipal Act 1994 (Act No13 of 1994)as amended from time to time are hereby published in Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye laws shall be considered by the NP. After expiry of period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye laws has any objection(s) against these draft rules, he may sent the written objection to the SECRETARY within the aforesaid period.

Objections, if any, received with in the period as prescribed above, shall be taken in to consideration by the NP. Rajgarh before finalizing these bye laws namely:—

“NP.RAJGARH (Control and Regulation) of Muck Dumping Bye laws 2013”

Preliminary

1. Short title, commencement and application.—(i) These bye laws may be called, ”NP. RAJGARH (Control and Regulation) of Muck Dumping Bye Laws 2013”

(ii) These bye laws shall come into force from the date of their publication in the Rajpatra (Extraordinary) Himachal Pradesh.

(iii) These bye laws shall be applicable within the jurisdiction of NP. RAJGARH as defined .

From time to time.

2. Definition.—(i) In these bye laws, unless the context otherwise requires.

- (a) “Act”- means the Himachal Pradesh Municipal Act, 1994 (Act No.13 of 1994) as amended from time to time.
- (b) “Applicant”- means any person applying for permission for dumping of muck in authorized dumping place as specified by the NP.
- (c) “Authorized Officer”- means any officer /official duly authorized by the NP.Rajgarh under these bye laws.
- (d) “Muck”- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building construction waste
- (e) “Place”- means authorized site specified by the NP. Rajgarh for the dumping of muck.
- (f) “Judicial magistrate first class”- means the Judicial Magistrate having jurisdiction over the area of N.P. Rajgarh under the Act.
- (g) Words and expressions used in these Bye –Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Rajgarh for dumping of muck within their area.

(ii) Any person found dumping the muck illegally, unauthorized and without any permission shall be liable for penalty under bye-laws and he vehicles or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the NP. shall in writing submit detailed estimate of Muck to be generated from the plot /construction site to the NP on the prescribed Performa annexed with these bye-laws as appendix-1 at the time of submission of their building map/plan for sanction the building plan without such estimate shall not be considered for sanction. However in the case of repair of building or in the case where no planning permission is required the permission for dumping debris shall obtain from the NP. Authorities by moving an application mentioning therein the full particulars of the applicant of the applicant.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter shall be sent to Secretary/Junior Engineer Nagar Panchayat for raising the bill and for according necessary permission in favour of applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining the receipt of the amount to be deposited by the applicant in the N.P. on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the NP. authority in writing and the name of place/area for dumping and name of the authority shall also be mentioned in their building sanction letter further intimation of the sanction shall also be given to junior engineer/sanitary inspector department of the NP. or to the concerned agency or the contractor hired or engaged by the N.P. for managing the dumping site.

(v) During transportation of the muck a person shall have to carry the original permission A copy of which shall be affixed on the wind screen of the vehicle and the same shall have to be shown to the authorized officer of the N.P. at the time of inspection .However in case of manual transportation of debris the person carrying the same shall have to show the original sanction to the inspecting staff /authorized officer at the time of inspection.

(vi) There shall be a restriction on the movement of the vehicles carrying muck after the sun set and before the sun rise the normal timing for dumping muck in the dumping site will be between 7.00am to 6.00 pm. However in case of exigencies and in view of traffic regulations in the town in the area the NP. may in writing relax such timings.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP. in larger public interest or in the case of emergent circumstances may relax such imposition /restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard .

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of size 3'x2' indicating there in the number and date of sanction ,commencement of construction and hours during which construction can be carried out time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck ,nature of sanction the area of construction sanctioned on each floor and telephone number of the control room set by the N.P .for entertainment of complaints etc.

(ix) The engineering branch of the Nagar Panchayat shall prescribed the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of muck.—the following rates shall be applicable for dumping of muck in the specified places.

(i) Per cement bag	Rs.1.00/-per bag
(ii) Pickup	Rs.50/- per pickup
(iii) Tipper light duty	Rs.150/- per tipper
(iv) Tipper heavy duty/truck	Rs.300/- per tipper/truck
(v) Manual per bag	Rs.10.00/-per bag
(vi) Mule	Rs.20.00/-per bag

An increase of 10% on the rates shall be applicable after every financial year which shall be notified by the Nagar Panchayat.

6. Duties and responsibilities of applicant/owner.—(i) it shall be the duty and responsibility of the owner to make available all the sanctions/permissions granted by the competent authority to the persons so hired or engaged by him for dumping of muck in the place specified by the Nagar Panchayat.

(ii) Whosoever is found dumping muck at a place other than the places and in contravention of the conditions specified by the NP., the owner and the person caught dumping the muck shall be liable jointly for penalty under these bye laws.

(iii) At the time of transportation of muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer of the police establishment of the NP. either on the information received by himself or through any other source immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of

ascertaining the required permission at any point of time and impound the same if found violating the provision of these bye -laws.

(ii) The vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offence(s) under these Bye-Laws.

(iii) the official impounding the vehicle shall immediately report to this effect in writing to Secretary/assistant engineer/Junior Engineer of N.P. and keep the same in custody at place designated by the NP. till it is not released to the registered owner .The halt charges of this vehicle at such designated place shall be levied @ Rs.500/- per day payable by registered owner to the NP. in cash or through demand draft.

8. Compounding of offences.—All the offences published under these Bye- Laws may before the institution of prosecution be compounded by such officer as may be authorized by the NP. or its Secretary in this behalf, on payment of such sum as may be specified by such officer under such Bye- Laws.

9. Offences to be tried summarily.—the offences which are not compounded shall be tried in a summary manner by the special Judicial Magistrate first class of the Municipal Council under section383 of the Himachal Pradesh Municipal act 1994 read with section 260 of the code of criminal procedure, 1973.

10. Penalty.— (i) Whosoever, is guilty of dumping muck at a place other than the place (s) specified/notified by the municipal council the rate of penalty shall be three times at the first instance,five times at the second instance and for the third instance or thereafter the amount of penalty shall be ten times of the actual rate of dumping as fixed by the municipal council as per clause 5 of the Bye –Laws .

(ii) In case of repeated violation in addition to penalty as specified above ,the owner at whose instance the construction/excavation work is carried out and is found dumping the muck illegally or without the permission of the competent authority, as the case may be shall also be liable for disconnection of water, electricity and other civic amenities and the Junior Engineer or Sanitary Inspector may request the competent authority for withdrawal of recognition and registration if any granted in his/her favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Rajgarh.

APPENDIX-1
(See Bye-laws 4(i))

Performa for estimation of muck generation

1. Name of the applicant of the Plot/land/project
2. Area and Kh. No. of the Plot/land/project

3. Location of the
Plot/land/project
4. Whether owner or builder or
Otherwise please specify.
5. Estimated quantity of muck
To be generated (quantity
Must be specified in cubic
Metres) along with estimate
duly signed by the authorized person

Signature

(Name and address of the applicant)

Date :

Place :

**In the Court of Shri G. C. Negi, H.A.S., Sub-Divisional Magistrate, Shimla (Urban),
District Shimla, Himachal Pradesh**

Ms. Tsering Dolker d/o Shri Sher Bhadur *alias* Nawang Tenzing, r/o House No. 4, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh . . . *Applicant.*

Versus

General public

. . . *Respondent.*

Application under section 13 (3) of Birth and Death Registration Act, 1969.

Whereas, Ms. Tsering Dolker d/o Shri Sher Bhadur *alias* Nawang Tenzing, r/o House No. 4, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh has preferred an application to the undersigned for the registration of her name Ms. Tsering Dolker and date of birth 24-10-1973 in the record of Municipal Corporation, Shimla (H.P.).

Therefore, by this proclamation, the general public is hereby informed that any person having any objection for entry of her name and date of birth mentioned above, may submit his objection in writing in this court on or before 16th May, 2013 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and the seal of the court on this 17th day of April, 2013.

Seal.

G. C. NEGI,
*Sub-Divisional Magistrate, Shimla (Urban),
District Shimla, Himachal Pradesh.*

**In the Court of Shri G. C. Negi, H.A.S., Sub-Divisional Magistrate, Shimla (Urban),
District Shimla, Himachal Pradesh**

Miss. Dolma Tsering d/o Shri Lhakpa, r/o House No. 3, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh . . . *Applicant.*

Versus

General public

. . Respondent.

Application under section 13 (3) of Birth and Death Registration Act, 1969.

Whereas, Miss. Dolma Tsering d/o Shri Lhakpa, r/o House No. 3, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh has preferred an application to the undersigned for the registration of her name Miss. Dolma Tsering and date of birth 16-07-1980 in the record of Municipal Corporation, Shimla (H.P.).

Therefore, by this proclamation, the general public is hereby informed that any person having any objection for entry of her name and date of birth mentioned above, may submit his objection in writing in this court on or before 16th May, 2013 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and the seal of the court on this 17th day of April, 2013.

Seal.

G. C. NEGI,
*Sub-Divisional Magistrate, Shimla (Urban),
 District Shimla, Himachal Pradesh.*

**In the Court of Shri G. C. Negi, H.A.S., Sub-Divisional Magistrate, Shimla (Urban),
 District Shimla, Himachal Pradesh**

Shri Amar Negi, s/o Shri Sher Bhadur *alias* Nawang Tenzing r/o House No. 4, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh . . . Applicant.

Versus

General public

. . Respondent.

Application under section 13 (3) of Birth and Death Registration Act, 1969.

Whereas, Shri Amar Negi d/o Shri Bhadur *alias* Nawang Tenzing r/o House No. 4, Padam Cottage, Dhingu Dhar, Sanjauli, Shimla, Himachal Pradesh has preferred an application to the undersigned for the registration of his name Shri Amar Negi and date of birth 24-09-1969 in the record of Municipal Corporation, Shimla (H.P.).

Therefore, by this proclamation, the general public is hereby informed that any person having any objection for entry of his name and date of birth mentioned above, may submit his objection in writing in this court on or before 16th May, 2013 failing which no objection will be entertained after expiry of date and will be decided accordingly.

Given under my hand and the seal of the court on this 17th day of April, 2013.

Seal.

G. C. NEGI,
*Sub-Divisional Magistrate, Shimla (Urban),
 District Shimla, Himachal Pradesh.*

